

REMARKS

Claims 9-16 remain pending in this application. Claims 1-8 are previously cancelled. Claims 9-16 are rejected. Claims 11 and 12 are objected to. Claim 11 is amended herein to address a matter of form unrelated to substantive patentability issues.

Applicant herein traverses and respectfully requests reconsideration of the rejection of the claims and objections cited in the above-referenced Office Action.

Claims 11 and 12 are objected to on the basis of noted informalities. Claim 11 is amended to bring same into conformance with the requirements of claim 10 from which it depends, as suggested by the Examiner. With regard to the objection to claim 12, applicant respectfully traverses the rejection. The term “comprise” refers to the multiple “lenses forming said imaging stage” and not the “imaging stage,” and therefore the term “comprises,” referring to a single element, and as suggested by the Examiner, would be grammatically incorrect. Withdrawal of the objection is respectfully requested.

Claims 9-16 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention. Claim 11 is amended to address the noted informality, as discussed above. The Office Action further alleges that claim 9 is incomplete for omitting essential elements. Applicants respectfully traverse this rejection.

As clearly stated in the preamble, claim 9 is directed to a “ jointed mirror arm,” and not to a combination of a mirror arm and an optical source. Applicant knows of no reason why the claimed device requires recitation of an element that is used in conjunction with the functionally complete claimed device. For example, when claiming a device which requires a power source to operate, such as a flashlight, an applicant is not required to positively recite batteries in a claim directed to the flashlight. By further example, if one were to direct a claim to an inventive telescope for enlarging and focusing light received from distant celestial bodies, such applicant would clearly not include the planets from which light images are received and transmitted to the eye of the observer using the telescope, as positively recited elements in claims directed to the telescope itself.

Applicant notes further that the stationary optical source is not even depicted in the figures, and therefore positive recitation of such feature, as suggested by the Examiner, would be improper.

The Office Action further indicates that claims 9-16 contain allowable subject matter and would be allowed if amended to overcome the §112, second paragraph rejection. Therefore, reconsideration of the rejection of claims 9-16 and their allowance are earnestly requested.

No fee is believed due. If there is any fee due the USPTO is hereby authorized to charge such fee to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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